IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION (REVIEW) NO. 13 OF 2007
IN
WRIT PETITION NO. 365 OF 2006

KUNDANKUMAR A. SHETYE, BICHOLIM GOA. ... Applicant

Versus

THE GOA STATE CO-OPERATIVE BANK LTD. AND 2 ORS., ... Respondents

Mr. S. D. Lotlikar, Senior Advocate with Mr. P. S. Lotlikar, Advocate for the petitioner.

Coram:- S.A.BOBDE, J.

Date:- 19th April, 2007

P.C.

The only submission made on behalf the review petitioner is that the order dated 16/8/2006 be reviewed since it states that in the event of noncompliance of the undertaking given by the petitioner, the petition itself shall stand dismissed without reference to the Court.

2. Mr. Lotlikar, learned Counsel for the review petitioner submits that in case a party breaches an undertaking, the only liability that may be imposed upon him is the punishment for contempt of Court and a writ petition may not be dismissed. There is no merit in this submission since a Court, in exercise of extraordinary jurisdiction under Articles 226 and 227 of the Constitution of India, would be entitled to decline to hear the matter on merits in case the petitioner is guilty of breach of an undertaking. Nothing to the contrary is pointed out. There is no merit in the review petition which is rejected.

S.A.BOBDE, J.

ssm.